

REMARKS

In the Office Action, dated January 4, 2006, the Examiner rejected claims 1-13, 15-18 and 20-29 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Applicants note with appreciation the Examiner's allowance of claims 14 and 19.

Reconsideration of the outstanding rejection of pending claims 1-13, 15-18 and 20-29 is respectfully requested in view of the following remarks.

REJECTION UNDER 35 U.S.C. §101

In paragraph 6, the Office Action rejects claims 1-13, 15-18 and 20-29 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Specifically, the Office Action asserts that the subject matter of these claims is directed towards an abstract idea. In support of this assertion, the Office Action alleges that these claims are directed to an abstract idea "that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. § 101." Applicants respectfully traverse and submit that claims 1-13, 15-18 and 20-29 are directed to statutory subject matter.

For purposes of a 35 U.S.C. § 101 analysis, "it is of little relevance whether the claim is directed to a machine or process." AT&T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 1357, 50 USPQ2d 1447, 1451 (Fed. Cir. 1999). See also M.P.E.P. § 2106 IV. B. 2. A claim qualifies as statutory subject matter when it involves a "practical application within the technological arts." AT&T at 1358. A claim is limited to a practical application when the process, apparatus or system, as claimed, "produces a concrete, tangible and useful result." Id.

In determining whether a claim is for a “practical application,” the “focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claims invention is ‘useful, tangible and concrete’.” Interim Guidelines For Examination of Patent Applications for Patent Subject Matter Eligibility, 1300 OG 142, § IV. C. 2. b., November 22, 2005. Applicants respectfully submit that the final result achieved by each of claims 1-13, 15-18 and 20-29 is “useful, tangible and concrete” and, thus, does involve a “practical application within the technological arts.”

A. “Useful Result”

For a result to be “useful,” it has to be 1) specific, 2) substantial and 3) credible. Id. at § IV. C. 2. b. (1). Applicants respectfully submit that the rejected claims achieve a “useful result.” Claim 1, for example, recites “receiving a search query that includes terms in a first language,” “determining possible translations of the terms of the search query into a second language,” “locating documents in the first language that contain links having associated content that matches the terms of the search query, the links referring to documents in the second language” and “disambiguating among the possible translations of the terms of the search query using the documents in the second language to identify one of the possible translations as a likely translation of the search query.” Claim 1, as recited, therefore, achieves the specific result of disambiguating among the possible translations of terms of a search query in a first language using documents in a second language to identify one of the possible translations as a likely translation of the search query. This result achieved by claim 1 is both substantial and credible.

Thus, under the criteria set forth in the PTO's Interim Guidelines For Examination of Patent Applications for Patent Subject Matter Eligibility, 1300 OG 142, § IV. C. 2. b (1), Applicants submit that the result achieved by claim 1 is "useful." The rationale set forth by Applicants above regarding "useful result" applies similarly to claims 2-13, 15-18 and 20-29.

B. "Tangible Result"

To achieve a "tangible result," a claim must produce a "real-world result" that has a "beneficial result or effect." Id. at § IV. C. 2. b (2). The "tangible" requirement "does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing." Id. Applicants submit that the process recited in claim 1 beneficially identifies possible translations of a search query in a first language using documents in a second language. This beneficial result achieved by claim 1 represents a "real-world result" that is useful, for example, in search engines that search a corpus of documents in different languages. Applicants, therefore, submit that the result achieved by claim 1, for example, is a beneficial, real-world result. The rationale set forth by Applicants above regarding "tangible result" applies similarly to claims 2-13, 15-18 and 20-29.

C. "Concrete Result"

To achieve a "concrete result," a process "must have a result that can be substantially repeatable or the process must substantially produce the same result again." Id. at § IV. C. 2. b (3). As is apparent from Applicants' specification, the process recited in claim 1, for

example, represents a process for identifying possible translations of a search query in a first language using documents in a second language that is substantially repeatable. It would be apparent to one skilled in the art that the various embodiments of the invention, as recited in claims 1-13, 15-18 and 20-29 and disclosed in Applicants' specification, may be repeated to produce substantially the same result again and again. Therefore, Applicants submit that claims 1-3, 15-18 and 20-29 achieve a "concrete result."

Conclusion:

Since, as discussed above, claims 1-13, 15-18 and 20-29 produce a "concrete, tangible and useful result," Applicants respectfully submit that the subject matter of these claims is directed to a "practical application in the technological arts." Contrary to the allegations of the Office Action, these claims, thus, are directed to statutory subject matter. Withdrawal of the rejection of claims 1-13, 15-18 and 20-29 under 35 U.S.C. §101 is, therefore, respectfully requested.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,



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